

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ROBERT L. COLLINS BEY,

Plaintiff,

v.

ORDER

13-cv-618-jdp

TIM HAINES, PETER HUIBREGTSE,
MICHAEL MEISNER, TONY ASHWORTH,
MARY MILLER, CINDY SAWINSKI,
KAREN ANDERSON, CYNTHIA M. THORPE,
DR. JAMES THORPE, DR. JAMES WOMMACK,
DR. WILLIAM GISWOLD, DR. TOM BOSTON,
and GARY BOUGHTON,

Defendants.

In this case, plaintiff Robert L. Collins Bey, an inmate housed at the Wisconsin Secure Program Facility, is proceeding on Eighth Amendment deliberate indifference and state law negligence claims regarding defendant prison officials' alleged failure to provide him with adequate dental care. Currently before the court is plaintiff's amended complaint, Dkt. 55, filed without need for leave from the court, as instructed in Magistrate Judge Crocker's preliminary pretrial conference order. The new complaint is accepted as the operative pleading.

I do not understand the complaint to be altering the nature of the claims on which plaintiff is already proceeding. Rather, plaintiff adds supplemental allegations that he continues to wait for tooth extraction and replacement dentures. I understand plaintiff to be adding an Eighth Amendment claim against defendant Gary Boughton, WSPF warden, for failing to respond to his complaint about the lack of dental treatment. I will allow plaintiff to

proceed on this claim for the same reasons he was allowed to proceed on his existing Eighth Amendment claims against various prison officials.

ORDER

IT IS ORDERED that:

1. Plaintiff Robert L. Collins Bey's amended complaint, Dkt. 55, is accepted as the operative pleading in this case.
2. Plaintiff is GRANTED leave to proceed on an Eighth Amendment claim against defendant Gary Boughton for failing to respond to his complaint about the lack of adequate dental treatment.

Entered August 27, 2015.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge